

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

ALFRED T. GIULIANO, CH. 7 TRUSTEE
FOR THE ESTATE OF WEISMAN
DISCOUNT HOME CENTERS, INC.,

Plaintiff/ Judgment
Creditor,

-against-

N.B. MARBLE & GRANITE INC.,

Defendant/ Judgment
Debtor.

Case No.: Misc 11-753

ORDER TO SHOW CAUSE

Upon the annexed declaration of Oksana G. Wright, dated November 15, 2012, the exhibits annexed thereto, the accompanying memorandum of law, and the pleadings herein it is **ORDERED**, that Defendant, N.B. Marble & Granite Inc. ("N.B. Marble"), show cause before this Court at Room ____ United States Courthouse, 225 Cadman Plaza, New York, New York, on _____, 2012, at _____ o'clock, why an order should not be issued pursuant to Rule 69 of the Federal Rules of Civil Procedure ("FRCP") and Rules 5223, 5224(a), and 2308(b) of the New York Civil Practice Law and Rules ("N.Y. CPLR"):

(a) Compelling N.B. Marble to respond to the information subpoena served upon N.B. Marble on March 2, 2012;

(b) Requiring N.B. Marble to pay plaintiff \$2,584.00 consisting of \$50.00 as costs, \$50.00 as a penalty and \$2,484.00 in attorney's fees as damages incurred by plaintiff in attempting to effect compliance with the information subpoena and in making this motion.

ORDERED that personal service of this order, annexed declaration, exhibits, and memorandum of law upon N.B. Marble on or before ____ o'clock on _____, 2012 shall be deemed good and sufficient service thereof.

IT IS FURTHER ORDERED, that defendant shall serve any answering or responsive papers upon Fox Rothschild, LLP, 100 Park Avenue, 15th Floor, New York, New York 10017, attorneys for plaintiff, so that said papers are received by said attorneys no later than _____.

Any reply papers shall be served by _____.

DATED: New York, New York

ISSUED _____

United States District Judge